

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

16-CR-156

JAMES H. BESS, JR.,

DECISION AND ORDER

Defendant.

1. On October 4, 2018, the defendant, James H. Bess, Jr., pleaded guilty to Count 1 of the indictment charging a violation of Title 21, United States Code, Section 841(a)(1) (possession with intent to distribute 5 grams or more of methamphetamine). Docket Item 6.

2. On October 4, 2018, the Honorable Michael J. Roemer, United States Magistrate Judge, filed a Report & Recommendation recommending that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty. Docket Item 68.

3. This Court has not received objections to the Report & Recommendation in accordance with Title 28, United States Code, Section 636(b)(1), and Rule 59(b) of the Federal Rules of Criminal Procedure, and the time to object now has expired.

4. This Court has carefully reviewed *de novo* Judge Roemer's Report & Recommendation (docket item 68), the plea agreement (docket item 66), the indictment (docket item 6), a transcript of the digital FTR recording of the plea proceeding (docket item 70), and the applicable law. This Court finds no legal or factual error in Judge Roemer's Report & Recommendation and therefore adopts Judge

Roemer's recommendation that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty of Count 1 of the indictment.

IT IS HEREBY ORDERED that this Court adopts Judge Roemer's October 4, 2018 Report & Recommendation, Docket Item 68, in its entirety, including the authorities cited and the reasons given therein, and it is further

ORDERED that the Court accepts the defendant's plea of guilty and defers acceptance of the plea agreement pursuant to Sentencing Guidelines Section 6B1.1(c), and the defendant, James H. Bess, Jr., is now adjudged guilty under Title 21, United States Code, Section 841(a)(1).

SO ORDERED.

Dated: November 16, 2018
Buffalo, New York

s/ Lawrence J. Vilardo
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE